

Deletes the reference to the number of pending individual permits at the end of FY 99 as the performance measure of the Permit Processing Management Plan (PPMP) for future years. It shouldn't be necessary to legislatively require that the Plan revolve around a chosen prior fiscal year.

Modifies the performance measures report to Congress (and publication in the Federal Register) from being quarterly to bi-annual (i.e. twice a year). This should help address concerns about "excessive" reporting and paperwork burdens.

Expands the one-year pilot program for the South Pacific Division to include the North Atlantic Division. Increased geographic diversity should increase the value of the pilot program.

Modifies provisions on recording the filing of permits to require the Corps to track both the date a permit application is received and the date the application is considered complete, as well as the reason the application is not considered complete upon first submission.

Sunsets after 3 fiscal years the proviso allowing appellants to keep verbatim records of appeals conference proceedings. This should provide ample time to determine if such verbatim records help or hinder equitable and just resolutions.

Makes technical and clarifying amendments.

Mr. PACKARD. Mr. Chairman, will the gentleman yield?

Mr. BOEHLERT. I yield to the gentleman from California.

Mr. PACKARD. Mr. Chairman, I appreciate the gentleman from New York (Mr. BOEHLERT) yielding.

Mr. Chairman, I think the amendment is a very good amendment, and I am very pleased to accept the amendment. I appreciate the fact that he has offered it.

Mr. VISCLOSKEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise not to object to the Boehlert amendment. I will not do so, but I do think it is imperative that the House understand the situation relative to funding for the Army Corps of Engineers.

A year ago on this floor, in considering the bill, we had several very serious controversies relative to wetland regulation. When the budget was sent to the United States Congress in January of this year, those rules were not yet in effect. Subsequent to that period of time, they went into effect, and the Army Corps of Engineers has estimated that the additional cost to ensure that there is no delay to developers and contractors and members of the general public would be 6 million additional dollars over and above the budget request. Those \$6 million are not contained in this bill.

To add further to the Corps' problem, in the subcommittee mark there were additional requirements placed on the Corps to the tune of a March 1, 2001, revised report cost analysis for a proposal to issue modified nationwide permits: to wit, by September 30, the year 2001, prepare and submit to Congress and publish in the Federal Register a

permit processing management plan; to wit, beginning on December 31, 2001, at the end of each quarter thereafter, and I would acknowledge the gentleman has lengthened this to a biannual report, report to Congress and published in the Federal Register an analysis of the performance of its programs as registered against the criteria set out in the permit processing management plan; and, four, implement a 1-year pilot program to publish quarterly on the U.S. Army Corps of Engineers' regulatory program for the South Pacific Division.

Additionally, how we compute time relative to delays that had been complained about was changed in the subcommittee mark. That was an additional burden. We then went to the full committee. The chairman of the committee offered an amendment that was ultimately adopted that further increased that burden by requiring that the Corps Division Office publish on its Web site all findings, rulings and decisions. Additionally, a provision that I do think can potentially have a chilling impact on the appellate procedure that the Corps shall allow an appellant to keep a verbatim record of the proceedings of the appeals conference under the aforementioned administrative appeals process.

The gentleman has now come forth and, as I indicated, changed a quarterly reporting to biannual. That is an improvement. There were several other improvements, but it also did place another burden on the Corps by also now including the North Atlantic Division as far as those reporting requirements.

So I do not object to what the gentleman has done. He has added a burden but he has improved the legislation that was reported by the committee.

The Corps does not have the money, and I would just want to emphasize I would hope at some point we have corrected that procedure so there is no delay to those who seek permits.

Finally, I do think the gentleman has made one important change, and that is that we do continue the current counting period as far as when an application for a permit is considered to have been received, because my concern as expressed in the full committee, and would be here, that 12 months from now, 24 months from now when the wetlands issue is potentially debated again, people will come in and say we told you so. If it was not for those two changes in the year 2000, we would not have had this additional delay, not because of any failing of the Corps or the contractor or developer, but because we changed how those dates are computed. The gentleman in his amendment would compute them in both fashions, the previous fashion as well as the new fashion contained in the committee bill.

So I did want to make sure that people understand for the record that is

the situation we find ourselves in. I do not object to what he wants to do.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. BOEHLERT).

The amendment was agreed to.

Mr. PACKARD. Mr. Chairman, I move to strike the last word.

Mr. Chairman, for the benefit of the Members, we would like to now offer a motion that will allow us to offer a unanimous consent request that will put some limitations and some controls on the balance of the evening, and hopefully shorten the debate.

Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. QUINN) having assumed the chair, Mr. BARRETT of Nebraska, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4733) making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes, had come to no resolution thereon.

LIMITATION ON AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 4733, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2001

Mr. PACKARD. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 4733 in the Committee of the Whole pursuant to House Resolution 532, no further amendment to the bill shall be in order except, one, pro forma amendments offered by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate;

Two, the amendment printed in the House Report 106-701;

Three, the following additional amendments, which shall be debatable for 30 minutes: Mr. SALMON's amendment regarding solar energy.

Mr. VISCLOSKEY. Mr. Speaker, will the gentleman yield?

Mr. PACKARD. I yield to the gentleman from Indiana.

Mr. VISCLOSKEY. Mr. Speaker, if we would also have an understanding on the Salmon amendment that the gentleman from Arizona (Mr. SALMON) would control 15 minutes of the 30 minutes and that the gentleman from Colorado (Mr. UDALL) would control the other 15 minutes?

Mr. PACKARD. That is my understanding.

Number four, the following additional amendments, which shall be debatable for 20 minutes: Mr. RYAN of Wisconsin regarding National Ignition Facility; and the amendment printed in the portion of the CONGRESSIONAL

RECORD designated for that purpose in clause 8 of rule XVIII and numbered 1.

Number five, the following additional amendments, which shall be debatable for 10 minutes: Mr. GEKAS, regarding energy independence; Mr. STEARNS, regarding Secretary of Energy travel; Mr. STEARNS, regarding Secretary of Energy travel before January 20, 2001; Mr. RYAN of Wisconsin, regarding construction of the National Ignition Facility; Mr. HANSEN, regarding nuclear waste storage; Mr. CAMP, regarding Strategic Petroleum Reserve Exchanges; Mr. RYUN of Kansas, regarding compensation of Department of Energy employees; Mr. NEY, regarding Appalachian Regional Commission; Ms. BROWN of Florida, regarding alternative energy sources; and the amendments printed in the portion of the CONGRESSIONAL RECORD designated for that purpose in clause 8 of rule XVIII that are numbered 2, 3, 4, 8, 9, 10, 11, and 12.

Each additional amendment may be offered only by the Member designated in this request, or a designee, or the Member who caused it to be printed, or a designee, and shall be considered as read. Each additional amendment shall be debatable for the time specified equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole.

That is the unanimous consent request that I propose, and I believe we have agreement.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. OBEY. Mr. Speaker, reserving the right to object, I do not intend to object. I simply would like to point out that the distinguished chairman of the committee, the gentleman from Florida (Mr. YOUNG), yesterday asked Members to give notice of amendments that they might intend to offer so that they could be incorporated in any unanimous consent request today; and also said that the committee would know what we are doing when we are asked to either accept or reject them.

I note that in the last hour there have been some eight additional amendments that have come out of the woodwork. Seven of those, I think it is fair to say, are coming from the majority side of the aisle. I would simply take note, for the benefit of Members who will want to know why we will be in so late tonight on this bill, that the committee tried to make certain that we had early notice of what the amendments were and apparently we have a lot more who desire to prolong the debate on that side of the aisle than we do on this side of the aisle.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2001

The SPEAKER pro tempore. Pursuant to House Resolution 532 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4733.

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IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4733) making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes, with Mr. BARRETT of Nebraska in the chair.

The CHAIRMAN. When the Committee of the Whole rose earlier today, the amendment offered by the gentleman from New York (Mr. BOEHLERT) had been disposed of, and the bill was open for amendment from page 6, line 6 through page 8, line 7.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 532, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment No. 5 by the gentleman from Missouri (Mr. HULSHOF); amendment by the gentleman from Maryland (Mr. GILCHREST); a second amendment by the gentleman from Maryland (Mr. GILCHREST).

The Chair will reduce to 5 minutes the time for any electronic vote after the first in this series.

AMENDMENT NO. 5 OFFERED BY MR. HULSHOF

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 5 offered by the gentleman from Missouri (Mr. HULSHOF) on which further proceedings were postponed and on which the ayes prevailed by a voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 165, noes 262, not voting 7, as follows:

[Roll No. 334]

AYES—165

Aderholt
Andrews
Archer

Baca
Baldwin
Barr

Barrett (WI)
Bartlett
Barton

Becerra
Berman
Berry
Biggert
Blagojevich
Bliley
Boehner
Boswell
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Camp
Canady
Cannon
Capps
Carson
Chambliss
Clay
Clyburn
Coburn
Cooksey
Costello
Crane
Cubin
Danner
Davis (FL)
Davis (IL)
Deal
DeFazio
Deutsch
Diaz-Balart
Doggett
Dooley
Ehrlich
Emerson
English
Eshoo
Etheridge
Evans
Ewing
Farr
Foley
Ganske
Gejdenson
Gephardt
Gibbons
Gilchrest
Graham
Green (WI)

Gutknecht
Hall (OH)
Hansen
Hastings (FL)
Hayes
Hill (MT)
Hilliard
Hinchey
Hoekstra
Holt
Hostettler
Hoyer
Hulshof
Hutchinson
Hyde
Isakson
Jenkins
Johnson, Sam
Jones (NC)
Kennedy
Kildee
Kind (WI)
Klecza
LaHood
Lantos
Largent
Latham
Leach
Lee
Lewis (GA)
Linder
Luther
Manzullo
McCarthy (MO)
McCrery
McDermott
McHugh
McInnis
McKinney
McNulty
Meek (FL)
Miller, George
Minge
Moran (KS)
Myrick
Nadler
Ney
Northup
Norwood
Nussle
Oxley
Paul

Pelosi
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Porter
Portman
Price (NC)
Ramstad
Rangel
Riley
Rogan
Ros-Lehtinen
Ryan (WI)
Sabo
Salmon
Sanders
Sandlin
Sanford
Scarborough
Schakowsky
Sensenbrenner
Serrano
Shadegg
Shays
Sherman
Shimkus
Shows
Shuster
Skelton
Smith (MI)
Smith (TX)
Souder
Spence
Stark
Sununu
Sweeney
Talent
Tancred
Tauzin
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tiahrt
Udall (CO)
Vitter
Weller
Wexler
Whitfield
Wynn

NOES—262

Abercrombie
Ackerman
Allen
Armey
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barrett (NE)
Bass
Bateman
Bentsen
Bereuter
Berkley
Bilbray
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Bonilla
Bonior
Bono
Borski
Boucher
Boyd
Brady (PA)
Brown (OH)
Callahan
Calvert
Campbell
Capuano
Cardin
Castle
Chabot
Chenoweth-Hage
Clayton
Clement
Coble

Collins
Combest
Condit
Conyers
Cox
Coyne
Cramer
Crowley
Cummings
Cunningham
Davis (VA)
DeGette
Delahunt
DeLauro
DeLay
DeMint
Dickey
Dicks
Dingell
Dixon
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Engel
Everett
Fattah
Filner
Fletcher
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelighuysen
Frost
Gallegly

Gekas
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Granger
Green (TX)
Greenwood
Gutierrez
Hall (TX)
Hastings (WA)
Hayworth
Hefley
Herger
Hill (IN)
Hilleary
Hobson
Hoeffel
Holden
Hooley
Horn
Houghton
Hunter
Inlee
Istook
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly